

during that time when the citizen enjoyed to the fullest extent his constitutional rights of an open court and "trial by jury," and while the courts of the State were in full possession and exercise of the powers, and dignity of right belonging to them as one of the three co-ordinate branches of our government. Why then the change of policy, resulting in the act of February 15, 1881? We submit that there is no reason to continue said act in force and without modification, unless it be to accord legislation with the dicta of an overthrown judicial opinion.

The minority of your committee cannot subscribe to the doctrine that in a free government any one department is above the law or superior to the Constitution. Such we believe to be the principle proclaimed by the above act. The courts of the national government in Texas are open, and in the exercise of the full and undiminished powers which of right belong to them. In these courts non-residents can enforce, and do enforce, against the heads of departments their rights, while the citizens of Texas can have no relief because the above act closes the courts of our own State against its citizens. If the bill under review fails, and the present denial of right, without some modification, such as the bill proposes, it will cause our own people to look rather to the nation than the State for protection. It will tend to accomplish in fact, if not in theory, that consolidation of government in this country to that center which it has ever been the effort and policy of the party now controlling the destiny of Texas to prevent.

The bill proposes no repeal of the act of February 15, 1881, in express terms, but if passed will be such a modification of its provisions as will allow the citizen having right of action to sue any one of the heads of Executive Department of the State government, except the Governor, who may, in the administration of his department, withhold or infringe upon any right the citizen has, and to authorize the district court of Travis county to hear and determine the suit, with right of appeal to both the citizen and the State as in other civil cases, and makes it obligatory upon the head of such department, in case judgment be in favor of the citizen, to obey the judgment of the court and to satisfy the same, but that no compulsory writ or process shall issue against such officer. The district court of Travis county is held but just across the street from the State Capitol, where the officers of all the several Executive Departments are located. No inconvenience can result, all records and other evidence necessary for the State to defend are accessible, and in fact, at hand. It is believed that no other government but Texas has the boldness to defend the principle upon which rests the act of February, 1881, and that in all the other States the courts are open with power to issue all writs known to our laws, and that the United States, in addition to the remedies afforded through the issuance of the usual remedial writs known to the Constitution and laws, has also provided and located a court at Washington city, known as a "court of claims," wherein the humblest, alike with the highest, can have his claims and rights against the government heard and determined.

We respectfully present these our reasons, and earnestly recommend the passage of the bill.

All of which is respectfully submitted.

A. E. STRATTON,
W. R. SHANNON,
W. O. DAVIS,
J. R. FLEMING.

Senator Chesley, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 26, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 346, to amend articles 1066, 1007 and 1008 of the Revised Civil Statutes, have considered the same, and instruct me to report it back with the recommendation that it do pass.

The object of the bill is to transfer Burleson and Washington counties from the Austin to the Galveston branch of the Supreme Court, and Navarro county from the Austin to the Tyler branch of the Supreme Court.

All of which is respectfully submitted.

CHESLEY, for Committee.

On motion of Senator Shannon, the Senate adjourned to 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.
President pro tem. in the chair.

Roll called. Quorum present.

The President announced the unfinished business to be the consideration of the appropriation bill, and called Senator Harris to the chair, and the Senate went into committee of the whole.

IN SENATE.

(Senator Houston, president pro tem., in the chair.)

Senator Harris, chairman of the committee of the whole, reported progress on House bill No. 394, the general appropriation bill, and asked that the committee be allowed to sit again after morning call, to-morrow.

Granted.

Senator Patton, for Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 341, being "An act amendatory of an act to incorporate the city of Austin," etc.

Also, Senate bill No. 310, "An act to provide for the disposition of minerals on public school, university, asylum and public lands," etc.

Also, Senate bill No. 44, "An act to provide for leasing the unorganized county school leagues."

And find the same correctly engrossed.

PATTON, for Committee.

COMMITTEE ROOM,
AUSTIN, March 26, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 114, being "An act to authorize the location and survey within the limits of the county of Greer of such certificates of land as were issued under an act of the Legislature approved March 15, 1881, to certain classes of veterans."

Also, Senate bill No. 11, "An act to amend article 714 of the Code of Criminal Procedure."

Also, Senate joint resolution No. 29, "A joint resolution amending section 24, article 3, of the Constitution."

And find the same correctly engrossed.

PATTON, for Committee.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1883.

Mr. President:

I am instructed to inform your honorable body that the House of Representatives has concurred in Senate amendments to House bill No. 513, entitled "An act to authorize the Secretary of State to sell copies of the general and special laws of the State."

Also, that the House has concurred in Senate amendments to House bill No. 175, entitled "An act to amend article 951, title 24, of the Revised Statutes."

Also, that the House has refused to concur in Senate amendments to substitute House joint resolutions Nos. 6, 8 and 27, "to amend section 9, article 8, of the Constitution of the State of Texas."

J. W. BOOTH,

Chief Clerk House of Representatives.

On motion of Senator Collins, the Senate adjourned till 9:30 to-morrow.

SIXTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 27, 1883. }

Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton, the reading of the journal was dispensed with and the same adopted.

Senator Evans, for Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 26, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 69, would respectfully report that they have had the same under consideration, and a majority of said committee instruct me to report the bill back with the recommendation that it do not pass. We do not think it right that the county judges should be required to give a bond. To enact such a law would be imposing a burthen upon and requiring a judge to rest under obligations, with which no judge who has to decide causes between man and man should be trammelled.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

Senator Harris moved that Senator Davis be indefinitely excused after to-day.

Adopted.

The morning call over,

The Senate went into executive session on the appointments of the Governor.

IN SENATE.

On motion of Senator Harris, the Secretary of the Senate was instructed to inform the Governor that the Senate advises and consents to the following appointments of notaries public, and to have the same printed upon the journal of the Senate:

Burnet county—T. E. Hammond, W. H. Hotchkiss and R. W. Cates.

Lampasas county—A. G. Walker, W. B. Abney, Chas. L. Lauderdale, Henry Exall and M. Roach.

Delta county—M. C. Thompson, R. H. Capers, James M. Brown R. B. Redfern, W. R. Patterson, J. B. Simpson.

Franklin county—P. S. Banks, S. M. Stanley, B. L. Blake, T. W. Templeton, F. M. Hastings, Joel Arrington.

Camp county—John W. Hooper, Pittsburg; C. Estes, Leesburg; C. G. Davis, Pittsburg.

Hopkins county—W. B. James, A. A. Henderson, J. S. Moore, R. S. Blythe, Gus Garrison, F. M. Rogers, W. D. Byrd, C. B. Williams, R. L. Askew, G. M. Christian, W. A. Green, T. A. StClair, J. P. Gist, Will T. Holderness, M. W. Parnell, H. C. Barker, B. F. Stephens, Joseph Brashar.

Hunt county—E. B. Lewis, W. S. Ward, S. B. Etter, R. R. Neyland, Jno. O. Wilkinson, A. S. Marshall, J. H. Jernigan, Sam Davis, Wm. McBride, Tom G. Smith, W. C. Vallandingham, W. H. Key, P. B. Corzine, J. G. Methvin, D. A. Edwards, H. H. Wood, Arthur D. Jackson, Wesley C. Walker, W. R. Lane and J. T. Roberts.

Collin county—T. H. Emerson, Geo. Mountcastle, C. C. Perrin, R. T. Shelton, T. E. Shirley, Jesse Coffee, P. B. Muse, Jack Jenkins, G. J. Davie, J. T. Largent, John Reacer, F. M. Bounds, John Church, T. B. Wilson, J. H. Jenkins, M. H. Byrne, John C. White, W. T. Moore, J. B. Lucas.

Denton county—John Collier A. J. Nance, John J. Gannan, E. F. Bates, A. C. Ousley, F. E. Piner, L. C. Jagoe, James Eads, C. J. Shapard, John Haynes, J. H. DeGan, J. C. Wright, W. L. Rector, Ben Moss, John M. Copley, Jas. Sullivan, R. B. Harris, J. E. McWhirrior, T. M. Smith and H. S. Parvin.

On motion of Senator Pope, the Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

The pending business being the consideration of House bill No. 394, the appropriation bill, Senator Harris was called to the chair, and the Senate went into committee of the whole and proceeded to consider the bill.

IN THE SENATE.

(The President pro tem in the chair.)

Senator Harris, chairman of committee of the whole, re-

ported progress and asked that the committee be allowed to sit again to-morrow morning, after the morning call.

Report adopted and request granted.

A message was received from the House announcing the passage by that body of the following bills:

Senate bill No. 250, "An act to permit the State Fireman's Association to erect a monument in the Capitol grounds, in the city of Austin."

House bill No. 194, "An act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b."

Referred to Judiciary Committee No. 1.

House bill No. 282, "An act to establish uniform weights per bushel of wheat, corn and other products of the State."

Referred to Committee on Agricultural Affairs.

House bill No. 295, "An act to amend article 1059, chapter 3, title 15, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Also, House bill No. 395, "An act to grant Fannie A. Darden, sole heir of Mosley Baker, deceased, a league and labor of land, in lieu of the headright certificate granted her father by the Republic of Texas."

Referred to Committee on Private Land Claims.

The President signed the following bills:

House bill No. 513, "An act to authorize the Secretary of State to sell copies of the general and special laws of the State."

House bill No. 175, "An act to amend article 951, title 24, of the Revised Statutes of the State of Texas."

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, March 27, 1883.

To the Senate:

GENTLEMEN—At the request of Dr. M. Salm, heretofore nominated to the office of oculist at the Blind Asylum, I hereby withdraw his name in that connection.

Respectfully,

JOHN IRELAND, Governor.

Senator Davis moved to adjourn till to-morrow morning at 9:30.

Senator Chesley moved to adjourn till to-morrow morning at 10 o'clock.

The motion to adjourn till 10 o'clock was adopted.

SIXTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 28, 1883. {

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner, the reading of the journal of yesterday was dispensed with, and the same adopted.

A message was received from the House informing the Senate of the passage by that body of the following bills:

Substitute for House bills Nos. 101, 143, 181, 216, 372, 375 and 391, "An act to amend articles 3759, 3762, 3766 and 3768, and to repeal article 3758, of chapter 5, title 78, of the Revised Civil Statutes of the State of Texas."

Senate bill No. 269, "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common